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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/820,073	04/06/2004	Takashi Shigetomi	14449.0004USC2	7233
23552	7590	08/20/2004	EXAMINER	
MERCHANT & GOULD PC P.O. BOX 2903 MINNEAPOLIS, MN 55402-0903			NAMAZI, MEHDI	
			ART UNIT	PAPER NUMBER
			2188	

DATE MAILED: 08/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/820,073	SHIGETOMI ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Mehdi Namazi	2188	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 06 April 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-5 is/are rejected.
- 7) ☐ Claim(s) 2 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☒ Certified copies of the priority documents have been received in Application No. 09/837,348.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>04/06/2004</u> . | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. This office action is in response to preliminary amendment filed April 06, 2004.

#### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 3, 4, and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Feamster et al. (US. Patent No. 5,235,586).

As per claim 1, 4, and 5 Feamster teaches a disk system and its control method for a system having a rotary storage medium and external parts (**fig. 1 shows a removable cartridge 10, and fig. 2 shows external parts of the system**), the rotary storage medium having a pair of layers (**fig. 1, element 10 comprising a platter having a top layer 12, and bottom layer 14; col. 4, lines 7-9**), one of the pair of layers being used as an information recording portion and having a recordable or recorded surface, the recordable or recorded surface being structured to record essential information on the operation of the system (**top layer 12 provides storage space for data which may include programs col. 4, lines 7-11; removable cartridge 101 is used to store the operating system, system data, and a variety of programs for use by computer system data which consider essential for the system col. 5, lines 31-33**), and another of the pair of layers being used as an electronic circuit portion and

having electronic circuits including at least CPU and memory **[active circuitry on the bottom surface include CPU, and memory (col. 5, lines 24-30)]**, the control method comprising the steps of: a step of rotating the rotary storage medium when accessing the essential information to the operation of the system on the recordable or recorded surface of said information recording portion of the rotary storage medium **(col. 3, lines 27-36; disk player includes a read head for reading the information stored on the top layer of disk cartridge while rotating)**; and a step of stopping the rotary storage medium except when accessing at least some of said essential information to the operation of the system, to connect between at least one of said electronic circuits and at least one of said external parts of the system and process data including said essential information using said at least CPU and memory for control of the system **[controller 120 provides the interface between active circuit 115 and other component of computer system such as auxiliary storage wherein the active circuitry 115, and other computer system component are always connected through special mechanical design (col. 6, lines 21-45, and fig. 4) either during the rotating time or stop time in order to read/write data from active circuitry (col. 5, lines 41-45)]** .

As per claim 3, Feamster teaches connection between the electronic circuit and the external system is a bus connection in a contact type or a non-contact type **(Bus 119 connects the active circuitry 115 to other components (col. 5, lines 42-47; also see fig. 2).**

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***Allowable Subject Matter***


4. Claim 2 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mehdi Namazi whose telephone number is 703-306-2758. The examiner can normally be reached on Monday-Friday 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mano Padmanabhan can be reached on 703-306-2903. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Mehdi Namazi  
Patent Examiner  
Art Unit 2188



August 18, 2004